



California Regional Water Quality Control Board Los Angeles Region



Linda S. Adams
Agency Secretary

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Arnold Schwarzenegger
Governor

TO: Interested Persons

FROM: LB Nye, Ph.D.
Chief, TMDLs and Standards

DATE: February 18, 2010

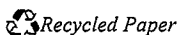
SUBJECT: Notice of California Environmental Quality Act (CEQA) Scoping Meeting for a proposed amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) to establish a Total Maximum Daily Load (TMDL) for Bacteria in the Los Angeles River Watershed

Please take notice that the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) will hold a CEQA Scoping Meeting pursuant to California Public Resources Code section 21083.9 to receive comments on the appropriate scope and content of the substitute environmental documents supporting a Basin Plan amendment that would establish a new Bacteria TMDL and implementation plans for the Los Angeles River Watershed which will include the following waterbodies: Aliso Canyon Wash, Arroyo Seco Reach 1 and 2, Bell Creek, Bull Creek, Burbank Western Channel, Compton Creek, Dry Canyon Creek, McCoy Canyon Creek, Rio Hondo Reach 1 and 2, Tujunga Wash, Verdugo Wash Reach 1 and 2, and the Los Angeles River Reach 1, 2, 4, and 6. The substitute environmental documents will be prepared pursuant to Public Resources Code Section 21080.5, and the State Water Resources Control Board's regulations related to its Certified Regulatory Program (23CCR§3775 et seq.) The substitute environmental documents are intended to serve as planning level environmental documents, consistent with Public Resources Code section 21159.

BACKGROUND

The 1998 303(d) list of impaired waterbodies included Arroyo Seco Reach 1 and 2, Bell Creek, Compton Creek, Rio Hondo Reach 1 and 2, Tujunga Wash, Verdugo Wash Reach 1 and 2, and the Los Angeles River Reach 1, 2, 4, and 6 for high coliform count based on data analyzed by the Regional Board for the 1996 water quality assessment. These listings were included as analytical unit 15 in the 1999 consent decree (Heal the Bay Inc., et al. v. Browner, et al. C 98-4825 SBA) (United States District Court, Northern District of California, 1999) between Heal the Bay et. al. and the United States Environmental Protection Agency (USEPA). Dry Canyon Creek and McCoy Canyon Creek were included on the 2002 303(d) list as impaired for fecal coliform. Aliso Canyon Wash was included on the 2006 303(d) list as impaired for fecal coliform. Lastly,

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Bull Creek and Burbank Western Channel has been included in the Regional Board approved 2008 303(d) list for indicator bacteria.

The Los Angeles River watershed consists of an area of 834 square miles. The more urban uses are found in the lower portions of the watershed. The listed reaches historically experienced elevated levels of bacteria in excess of Bacterial Water Quality Objectives for REC-1 beneficial use listed in the Basin Plan. The Basin Plan designates beneficial uses of water bodies, establishes water quality objectives for the protection of these beneficial uses, and outlines a plan of implementation for maintaining and enhancing water quality.

The Regional Board proposes to implement the bacteria objectives set to protect water contact recreation (REC-1) using the 'reference system/anti-degradation approach.' This approach recognizes that there are natural sources of bacteria that may cause or contribute to exceedances of the single sample objectives. The Regional Board's intent in implementing the bacteria objectives using a 'reference system/anti-degradation approach' is to ensure that bacteriological water quality is at least as good as that of a reference site and that no degradation of existing bacteriological water quality is permitted where existing bacteriological water quality is better than that of a reference site. This approach is consistent with state and federal anti-degradation policies (State Board Resolution No. 68-16 and 40 CFR 131.12), while acknowledging that it is not the intent of the Regional Board to require fresh water quality in excess of natural levels. While treatment or diversion of natural sources may fully address the impairment of the water contact recreation beneficial use, such an approach may adversely affect valuable aquatic life and wildlife beneficial uses in the Region.

The purpose of this meeting is to scope the foreseeable means of compliance and to determine if those means would result in significant adverse impacts to the environment. A number of best management practices (BMPs) have been proposed in other bacteria TMDLs including the Ballona Creek, Ballona Estuary, and Sepulveda Channel Bacteria TMDL and the other adopted bacteria TMDLs in the region and these BMPs will be examined in the subsequent substitute environmental documents.

Interested persons are specifically requested to provide the following information.

- The reasonably foreseeable methods of compliance with the Bacteria TMDL for themselves or other responsible parties.
- The reasonably foreseeable, significant, adverse environmental impacts associated with listed means of compliance.
- Specific evidence supporting that such impacts are reasonably foreseeable, and describing the magnitude (significance level) of the impacts.
- Reasonable alternative means of compliance resulting in less significant, adverse environmental impacts.

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- Reasonable mitigation measures that would minimize any unavoidable significant adverse environmental impacts associated with listed means of compliance.

(See Public Resources Code section 21159)

The proposed information and resulting analysis will be incorporated into the Draft Substitute Environmental Document. The CEQA Scoping Meeting will be held at:

**1:00 p.m., Wednesday, March 10, 2010
Junipero Serra Building
Meeting Room, 7th Floor
320 W. 4th Street
Los Angeles, California 90013**

Please contact Man Voong at (213) 576-6690 if you have any questions regarding this matter. Please bring the foregoing to the attention of any persons known to you who would be interested in this matter.

cc: Michael Levy, Office of Chief Counsel, State Water Resources Control Board